

Remarks

This Amendment is respectfully submitted in reply to the Examiner's First Official Action dated September 28, 2005.

Enclosed is a signed *Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address* form appointing the Law Offices of Charles A. Wilkinson, customer number 46,359, as new attorneys of record in the present application.

Applicants have initially carefully reviewed the specification and drawings of the application, and have made certain revisions to the specification to correct language, punctuation, and editing errors noted, as well as to amend minor imprecision's in the description. No new matter has been added. The corrections and revisions made are believed to place the application in better condition for issue into a patent. Also enclosed is a drawing sheet containing a proposed revision to FIGS. 3 and 4, wherein the reference numeral 39, shown in red ink, has been added pointing to a base member. A similar amendment being made to the specification in paragraph 44.

Claim Rejections

In the Official Action, the Examiner noted that claims 1-20 are pending in the application. The Examiner has rejected claims 1-17, and claims 18-20 are objected to as being dependent upon a rejected base claim, but are indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In the present Amendment, Claims 1, 5, 8-11, and 19-20 have been amended, claims 17-18 have been cancelled, and new claims 21-29 have been added. The Examiner's rejections are traversed below.

Claims 1-10 stand rejected under 35 USC 102(b) as being anticipated both by U.S. Patent 4,913,248 issued to **Zakai** on April 3, 1990, entitled "*Portable Weighing Scale*", and U.S. Patent 4,800,973 issued to **Angel** on January 31, 1989, entitled "*Portable Electronic Scale of Minimal Thickness and Weight*". In addition, claims 11, 12, 15, and 16 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent 2,937,016 issued to **Westman** on May 17, 1960, entitled "*Handle Weighing Mechanism for Luggage*", while claims 11-17 stand rejected under 35 USC 102(b) as being anticipated by PCT application number WO 003100360 filed by **Marks** entitled "*Weighing Devices*" and published on December 4, 2003.

The **Zakai** '248 patent discloses a weighing scale comprised of a capacitive load cell formed by a pair of electrically conductive annular parallel plates, at least one of which is resiliently deformable, which when acted upon by an annular load transmission element causes the plates to be resiliently displaced towards one another, increasing their capacitance. Such capacitance varies inversely as a function of the distance between the capacitor plates, and the change in such distance can be equated to the amount of an applied load. Due to the annular configuration of the deformable load cell and transmission element, the change in capacitance is substantially uniform regardless of where on the load transmission element the load is applied, resulting in more accurate weight measurements.

The **Angel** '973 patent also discloses a weighing scale, wherein the supporting feet of the scale exert an upward force on deformable pieces rigidly embedded in a load bearing composite plate, which force is measured and converted electronically into a weight measurement. **Angel** claims such scale can be made thinner than the usual electronic scale due to the construction of the composite plate, arrangement of the electronic components in the plate, and the low level of current required which necessitates a smaller, thinner battery. A Wheatstone bridge electronic configuration is used with the strain gauges to provide a constant and accurate weight measurement regardless of where the weight is placed on the scale. At least one of the plates is

resiliently deformable. The weighing scale has a split casing with displaceable first and second sections, with the conductive plates of the load cell connected to the first section, and a means for creating an output signal representing the amount of the load based on the measured capacitance and sending it to a display.

The Examiner indicates in the Official Action, as Applicants understand, that both **Zakai** and **Angel** teach Applicants' invention as described in claims 1-10, since a suitcase could be weighed by placing or holding it on either the **Zakai** or **Angel** scale. The Examiner further indicates that in a broad sense whenever a suitcase or bag is placed on top of a scale, it is at such time "connected" to the scale, which term "connected" is used by the Applicants in claim 1 in describing the relationship between the main housing of the invention to the load determination means. Neither **Zakai** nor **Angel**, however, disclose or suggest a luggage carrying bag having an integral or built-in load determining capability, such references disclosing merely improved standalone scale devices. Column 9, Lines 29-41 referred to by the Examiner in the **Zakai** patent indicate that such scale, which is capable of calculating and displaying the difference between two weights, can be used to calculate the weight of a suitcase by first weighing a person standing on the scale alone, and then weighing such person again, but this time holding a suitcase, wherein the difference in weights, equal to the weight of the suitcase, will be displayed. Similarly, in Column 10, Lines 30-53 referred to by the

Examiner in the **Angel** patent, **Angel** indicates that an item such as a suitcase can be weighed while being held by a person standing on the scale by separately weighing such person and then subtracting to calculate the weight of the suitcase. Neither of such arrangements, and therefore neither **Zakai** nor **Angel**, it is respectfully submitted, anticipates Applicants' claims 1-10, and Applicants further believe its invention is clearly patentably distinguishable from either of such references. Such references do not disclose an arrangement or a physical combination of a weighing device or device with luggage or bags.

In any event, Applicants have now amended independent claim 1 slightly to make it clearer that the load determination means is built-in or integrally connected to the main housing of the luggage device of the present invention. Applicants submit that such language is consistent with the detailed description of the invention in the application, and it is not believed that adding such language narrows the scope of the claims when read with reference to the specification. Other amendments made to claims 1, 5, and 8-10 were made to improve the overall structure of such claims and to eliminate any seemingly awkward or potentially indefinite language. It is respectfully submitted that, particularly in view of such amendments, there can be no doubt claims 1-10 are not anticipated by either **Zakai** or **Angel**. Applicants' claims recite a load

determination means that is integrally connected to the bottom of the main housing of a luggage device, while **Zakai** and **Angel** merely recite particular scale structures.

With respect to claims 11-17, as indicated above, claims 11, 12, 15, and 16 were rejected under 35 USC 102(b) as being anticipated by U.S. Patent 2,937,016 issued to **Westman** on May 17, 1960, entitled "*Handle Weighing Mechanism for Luggage*", and in addition claims 11-17 were rejected under 35 USC 102(b) as being anticipated by PCT application number WO 003100360 filed by **Marks** entitled "*Weighing Devices*" and published on December 4, 2003. However, the Examiner indicated that dependent claims 18-20 would be allowable if rewritten in independent form.

Applicants have now amended independent claim 11 to include the limitations of both original claims 17 and 18, which claims have now been cancelled. In addition, claims 19-20 have been amended slightly so that they no longer depend on claims 17-18, but depend directly on independent claim 11. It is believed that, as a result, claims 11-16 and 19-20 should now be in condition for allowance, as it is respectfully submitted that such claims are not anticipated by and are patentably distinguishable from both **Westman** and **Marks**. In addition, Applicants have also now added a new independent claim 21 and dependent claims 22-29. It is believed all of such new claims should also be allowable.

Conclusion

For all of the reasons advanced above, Applicants respectfully submit that the application is in condition for allowance and such action is earnestly solicited. Also enclosed is a form entitled "Patent Application Fee Determination Record", and a check in the amount of \$175 in payment of fees due for the addition of nine new claims 21-29 less two cancelled claims 17-18. The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment, or credit any overpayment, to Deposit Account 15-0385.

Respectfully submitted,



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